

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES MCCONICO, JR., #117395,

Plaintiff,

vs.

MARY COOK, *et al.*,

Defendants.

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CIV. ACT. NO. 1:22-cv-55-TFM-B

MEMORANDUM OPINION AND ORDER

On February 15, 2022, the Magistrate Judge entered a Report and Recommendation which recommends this action be transferred to the United States District Court for the Middle District of Alabama. *See* Doc. 6. Plaintiff filed his objections on March 2, 2022. *See* Doc. 7.

Generally Plaintiff objects to dividing his allegations between multiple cases also resulting in the cases being in different districts. However, the division of the case has already been resolved by the Court in its original order directing the Clerk of Court to open this new case. *See* Doc. 4. The Court had previously warned Plaintiff that he could not keep adding allegations to his original case (1:20-cv-314-TFM) which related to a different facility and different allegations. Therefore, they did not relate to the 28 U.S.C. § 1915(g) exception under which his original complaint proceeded. *Id.* As such, Plaintiff's objections are **OVERRULED**.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that this action be transferred to the United States District Court for the Middle District of Alabama pursuant to 28 U.S.C. § 1406(a).

DONE and **ORDERED** this 24th day of March, 2022.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE